

**Maharashtra Regional and
Town Planning Act, 1966.**

- **Directions under section 37(1) and 154 of MR&TP Act.**
- **Modification to Development Control Regulation for Gr. Mumbai regarding Development of IT/ITES units.**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Dated 8th January, 2004.**

ORDER

No. TPB 4303/CR-192/03/UD-11:

In 1998, Government had announced "Information Technology Policy, 1998", with a view to give impetus to coming up of Information Technology Establishments in the State and accordingly directions under section 37(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") were also given to the Municipal Corporation of Greater Mumbai and other Corporations/Councils of State, to amend the Development Control Regulations (DCR), so as to permit IT units in developable/non developable zones and also to make available additional FSI for such units.

02. Government in Urban Development Department vide Notification No. TPB 4398/1234/CR0201/98/UD-11 dated 17th February, 2000 has finally sanctioned amendment to Revised Development Control Regulations of Greater Mumbai, 1991 (hereinafter referred to as "the said Regulation") which interalia provides for grant of additional FSI to the extent of 100% over and above the permissible FSI to the buildings of Information Technology Establishment (pertaining to software only) setup by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO or their joint venture companies having more than 51% stakes of these bodies.

03. Now, in the year 2003, Government has further drawn up revised Information Technology & Information Technology Enabled Services (IT/ITES) Policy, 2003 (hereinafter referred to as "the said policy") vide Industries, Energy and Labour Department's Resolution No. ITP 2003/CR-3311/IND.7 dated 12/7/03, that has come into force with effect from 4th June, 2003 to remain in force for a period of five years. The prime object of the said policy is to make Maharashtra, the most favoured destination for investments in the IT and ITES Industries, thereby opening up large scale opportunities of employment and self employment so as to facilitate growth of skilled and globally employable manpower.

04. In the said policy Government has declared certain incentives, which interalia includes -

- 1) 100% additional FSI shall be made available to all IT and ITES units in Public IT Parks in the State.
- 2) 100% additional FSI shall also be made available to all registered IT and ITES units located in Private IT Parks, approved by Directorate of Industries in the State. However, to avail of this additional 100% FSI, the private IT Parks will have to comply with certain norms and terms. The Empowered Committee referred in Para-6 shall fix such necessary norms and terms, including the premium to be charged from the parks for eligibility of the parks for this. The Empowered Committee shall review such norms and terms of eligibility on a regular basis for ensuring proper utilization of the additional FSI.

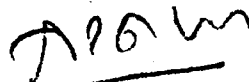
05. For effective implementation of the said policy and to achieve rapid growth of the IT and ITES Industries, it is felt expedient to further modify the said regulations, so as to make applicable provision of additional FSI to IT/ITES, as spelt out in the said policy.

Now therefore, in exercise of the powers vested under section 37(1) of the said Act read with provision contained in Section 154 of the said Act, Government is pleased to issue following directions to the Municipal Corporation of Gr. Mumbai / Mumbai Metropolitan Regional Development Authority (hereinafter referred to as "the said Authority").

DIRECTIONS

- (1) The said Authority shall initiate modification to the said Regulation as detailed out in schedule appended hereto.
- (2) The said Authority shall publish the requisite notice inviting suggestions/objections over the said modification within a period of 60 days from the date of issue of this order.
- (3) After completing the legal procedure, as laid down under section 37(1) of the said Act, the said modification proposal shall be submitted to the Government for final sanction.
- (4) Pending sanction to these modifications by the Government under section 37(2) of the said Act, the aforementioned modifications shall come into effect forthwith.

By order and in the name of the Governor of Maharashtra,


(Abhiraj Girkar)

Under Secretary to Government.

To

- 1) The Municipal Commissioner, Municipal Corporation of Gr. Mumbai.
- 2) The Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra (E), Mumbai.

Copy to -

- 1) Principal Secretary to Chief Minister of Maharashtra, Mantralaya, Mumbai.
- 2) Dy. Secretary to Chief Secretary of Maharashtra, Mantralaya, Mumbai.
- 3) Principal Secretary (Industry Department), Mantralaya, Mumbai.
- 4) Director of Town Planning, Maharashtra State, Pune.
- 5) Dy. Secretary, Urban Development Department, Mantralaya, Mumbai.
- 6) Dy. Director of Town Planning, Brihanmumbai, Mumbai.
- 7) Desk officers UD-9, 12, 13, 30.
- 8) Select file.
- 9) Section 37(2) file.
- 10) Section 154 file.

SCHEDULE

(Accompaniment with the Government in Urban Development Departments order No. TPB 4303/CR-192/03/UD-11 dated 8th January, 2004).

- 1) Clause (100) of Regulation No. (2) shall be replaced as under -

2(100) - Information Technology Establishment:

"Information Technology Establishment means an establishment which is in the business of development of IT software, IT Hardware, IT services, IT enabled services as defined below:

- a) **IT Software:** IT Software is defined as any representation of instruction, data, sound or image, including source code and object code, recorded in a machine readable form and capable of being manipulated or providing interactivity to a user, with the means of a computer.
- b) **IT Hardware:** IT Hardware shall cover such industrial units as may be decided by the Director of Industries.
- c) **IT services and IT Enabled Services:** These include various IT Services and are defined by the IT Task force of the Government of India as follows:

"IT Service including IT Enabled Service is defined as any unit that provides services, that result from the use of any IT Software over a Computer System for realizing any value addition".

The Directorate of Industries has prepared and published an illustrative list of such IT Enabled Services (Appendix-II) which is to be updated from time to time".

- 2) Clause (16) of Regulation (33) shall be replaced as under -

33(16) - Buildings of Information Technology Establishment:

The Commissioner may permit the floor space indices specified in Table No.14 above to be exceeded by 100%, subject to following conditions, in respect of -

- a) All IT and ITES units in Public IT Parks.
- b) All registered IT and ITES Units located in Private IT Parks, approved by Director of Industries in the State.

Conditions:

- (i) Additional FSI to IT/ITES units would be available only upon full utilisation of basic admissible FSI.
- (ii) Additional FSI to IT/ITES units would be available to IT/ITES Parks duly approved by the Directorate of Industries.

- (iii) The additional FSI shall be granted upon payment of premium which shall be paid in the manner as may be determined by the Government. Such premium shall be recovered at the rate of 25% of the present day market value of the land under reference as indicated in the Ready Reckoner.
- (iv) 25% the total premium shall be paid to the Govt. and remaining 75% amount shall be paid to the said Authority.
- (v) The premium so collected by the Planning Authorities shall be primarily used for development/ upgradation of off site infrastructure required for the IT/ITES park and the utilisation of this premium shall be monitored by the empowered committee.
- (vi) In the event, the developer comes forward for provision of such off site infrastructure at his own cost, then the said Planning Authority shall determine the estimated cost of the works and shall also prescribe the standards for the work. After completion of the works the said Planning Authority shall verify as to whether the same is as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority.
- (vii) **Users/Services ancillary to the IT/ITES:**
While developing site for IT/ITES with additional FSI, users ancillary to the principal user, as may be approved by the Directorate of Industries shall also be allowed.
- (viii) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.

By order and in the name of the Governor of Maharashtra,


(Abhiraj Girkar)

Under Secretary to Government.